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cc: Peter



United States Department of the Interior

DIV. OF OIL, GAS & MINING

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:
3809 (UTW02000)
UTU-70693
UTU-79883

March 18, 2013

CERTIFIED MAIL # 7011 3500 0000 1992 4220
RETURN RECEIPT REQUESTED

DECISION

Mr. Scott A. Nielson	:	
Nielson Mining	:	43 CFR 3809 - Surface Management
3900 South Redwing Street	:	Notice and Plan of Operations
West Valley City, Utah 84119	:	

Plan of Operations Inactive – Closure in 30 Days without Notification

Your Notice, assigned Bureau of Land Management (BLM) case file number UTU-79883, expired on January 20, 2005. A Financial Guarantee, or reclamation bond, of \$1195 was accepted and obligated prior to expiration of the Notice on July 26, 2004. A Plan of Operations (Plan) case file, UTU-79883, was initiated for the same location on May 30, 2007. The Plan remains in Pending status on this date.

Please notify the Fillmore Field Office (FFO) of the BLM in writing whether you intend to continue with your Plan. If we do not receive written notification that you wish to proceed within 30 days from the date of this letter, then the site will be inspected for any remaining surface disturbance and adequacy of reclamation. If no remaining reclamation obligations are found, then the case file for the Plan will be closed and the Financial Guarantee will be released.

Financial Guarantee – This office previously determined in consultation with the Utah Division of Oil, Gas, and Mining (UDOGM) that the financial guarantee of \$1,195, held by the BLM for Notice UTU-79883 and on behalf of UDOGM for their exploration permit E/027/0041, is adequate to reclaim the exploration surface disturbances. If you do not intend to proceed with mining activities under the Plan, then the BLM case file will be closed after inspection, and no further activity beyond casual use will be authorized.

Appeal of the Decision for Inspection and Closure - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101-1345, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is

granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

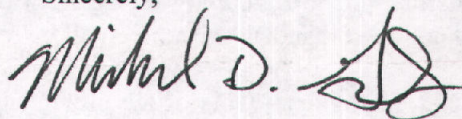
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at (435) 743-3125, or Duane Bays, FFO Natural Resource Specialist, at (435) 743-3115.

Sincerely,



Michael D. Gates
Field Manager

Enclosure: Form 1842-1

cc:

Paul Baker, UDOGM, 1594 W North Temple Ste 1210, Salt Lake City, UT 84114

Opie Abeyta (UT-923), Utah State Office/ BLM, 440 W 200 S, Ste 500, Salt Lake City, UT 84101-1345